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SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2013 NOV -7 PM 2:12

DEPUTY CLERK

UNITED STATES OF AMERICA <i>ex rel.</i>	§	
RANSOME ETINDI, M.D.,	§	
Plaintiffs,	§	Civil Action No. 3:13-cv-3010-B
v.	§	<u>FILED IN SEALED CASE</u>
DALLAS MEDICAL CENTER, LLC,	§	
Defendant.	§	

UNITED STATES OF AMERICA'S MOTION TO UNSEAL AND REQUEST FOR
DISMISSAL WITHOUT PREJUDICE AS TO THE GOVERNMENT

The United States of America (United States) respectfully petitions this Court for an order unsealing (1) the Complaint, (2) this Motion and (3) any accompanying orders in this *qui tam* action. The United States requests that all pleadings filed in this case from this point forward remain unsealed. The United States also request the dismissal previously entered in this case be amended to reflect dismissal without prejudice as to the government. In support of its requests, the United States would show the Court as follows:

1. Plaintiff Ransome Etindi, M.D. (relator) filed this *qui tam* action on August 2, 2013, against Dallas Medical Center, LLC (DMC).
2. On October 18, 2013, relator filed his Motion for Voluntary Dismissal of Complaint. The Court entered the Order on October 22, 2013, dismissing the action with

prejudice.

3. The United States submits that although it had no objections to relator's motion, it intended to file its own Consent to Dismissal which would have requested the complaint be unsealed and that the action be dismissed without prejudice as to the government. Due to the government furlough, the government was unable to file its consent before the Court entered its Order. The government further submits that a permanent seal on this matter would be contrary to a strong general presumption in favor of public access to judicial files.

4. Relator concurs with the government's motion.

5. The United States requests that the Complaint, this motion, and accompanying orders be unsealed and that all pleadings filed in this case from this point forward remain unsealed. The United States further requests that dismissal be without prejudice as to the government. A proposed order accompanies this motion.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I hereby certify that my office contacted relator's counsel regarding this motion and they concur with the relief requested therein.



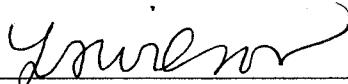
Lynette S. Wilson

Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2013, I caused true and correct copies of both the United States of America's Unopposed *Ex Parte* Application for Extension of Seal and proposed Order to be served by first class mail, postage prepaid, on the following:

Michael J. Khouri
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Lynette S. Wilson

Assistant U.S. Attorney